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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/522,205	08/22/2005	Aarnoud Willem Eversdijk	2837/73736/NHZ	3683

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New York, NY 10036

EXAMINER

DUNN, DANIELLE N

ART UNIT	PAPER NUMBER
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2809

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	04/12/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/522,205

Applicant(s)

EVERSDIJK, AARNOUD WILLEM

Examiner

Danielle Dunn

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 August 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 August 2005 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 08/22/2005.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

DETAILED ACTION

Priority

1. Applicant's claim for the benefit of a prior-filed application under 35 U.S.C. 119(a)-(d) is acknowledged.

Information Disclosure Statement

2. The information disclosure statement (IDS) submitted on 8/22/2005 is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.
3. The listing of references in the specification is not a proper information disclosure statement. 37 CFR 1.98(b) requires a list of all patents, publications, or other information submitted for consideration by the Office, and MPEP § 609.04(a) states, "the list may not be incorporated into the specification but must be submitted in a separate paper." Therefore, unless the references have been cited by the examiner on form PTO-892, they have not been considered.

Drawings

4. Figure 1 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). Corrected drawings in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct

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any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claims 1 and 2 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

7. Regarding claim 1, the phrases "such as" and "possible" renders the claim indefinite because it is unclear whether the limitations following the phrase are part of the claimed invention. See MPEP § 2173.05(d).

8. Regarding claim 2, the phrase "possible" renders the claim indefinite because it is unclear whether the limitations following the phrase are part of the claimed invention. See MPEP § 2173.05(d).

Claim Rejections - 35 USC § 102

9. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

10. Claims 1-4, 7, and 11-14 are rejected under 35 U.S.C. 102(b) as being anticipated by Basile (US 4,593,344).

Claim 1. (currently amended): Fitting for a lamp (retainer, title), provided with a rim (rim of reflector, 32, Figs. 4 and 5) or stop for supporting a lamp cap (cover, 14), and a locking element (retainer portion, 38), such as a nut, for locking a lamp cap onto said rim or stop, the fitting being provided with adjustment means (spring members, 22) ~~(20,40)~~ for adjusting the position of the lamp cap with respect to said rim or stop (Column 2, lines 53-56, Figs. 4 and 5), characterized in that said adjustment means ~~comprise~~ comprising a first part (release cam bar, 28) ~~(21,41)~~, a first end of which is movably connected to said rim or stop, it being possible for the first part to be placed between a first position substantially parallel to the rim or stop and a second position at an angle to said rim or stop (Figs. 4 and 5).

Claim 2. (currently amended): Fitting as claimed in claim 1, ~~characterized in~~ wherein the adjustment means comprise a first (release cam bar, 28) and a second part (spring members, 22) ~~(22,42)~~, which parts are pivotally ~~(23,24)~~ connected to one another (Figs. 4 and 5), the second part being supported on the rim or stop and it being possible for the first part to be placed between a first position substantially parallel to the second part and a second position at an angle to the second part (Figs. 4 and 5).

Claim 3. (currently amended): Fitting as claimed in claim 1 ~~or 2~~, characterized wherein the adjustment means are provided with locking means (Column 3, lines 36-40) for locking the first part in its second position.

Claim 4. (currently amended): Fitting as claimed in claim 3, ~~characterized in that~~ wherein the first part is provided with a lug or catch (Fig. 4 and 5) ~~(-25-)~~ for engaging a recess or groove on the outer side of the fitting (Column 3, lines 49-51).

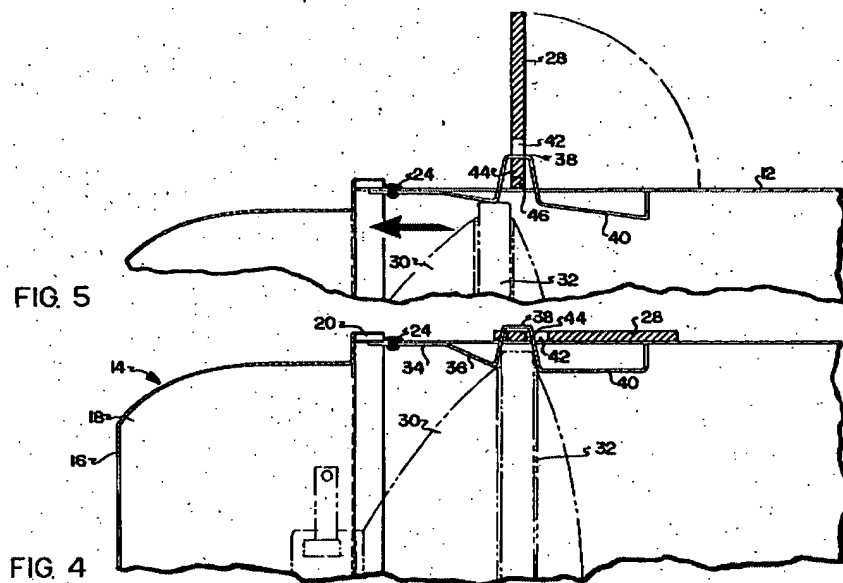
Claim 7. (currently amended): An adjustment element for a fitting for a lamp, for adjusting the position of a lamp cap with respect to a fitting, provided with a first part (release cam bar, 28) which is intended to make contact with a lamp cap (cover, 14) or the pedestal of a lamp cap (tubular body section, 12), and a second part (spring members, 22) for supporting the adjustment element on a rim or stop of a fitting, which parts are resiliently or pivotally connected to one another for the purpose of adjusting the angle between said first part and the said second part (Figs. 4 and 5).

Claim 11. (currently amended): Adjustment element as claimed in ~~claims 7-10~~, ~~characterized in that~~ claim 7, wherein the adjustment element comprises spring steel (spring member, 22).

Claim 12. (currently amended): Adjustment element as claimed in ~~claims 7-11,~~
~~characterized in that~~ claim 7, wherein the adjustment element comprises auxiliary
arms arranged between the first part and the second part, which support arms
absorb spring force during the displacement of the first part toward the second
part (Figs. 4 and 5).

Claim 13. (currently amended): Adjustment element as claimed in claim 12,
~~characterized in that~~ wherein the auxiliary arms are punched and flanged out of
one of the first and second parts (Figs. 4 and 5).

Claim 14. (currently amended): Adjustment element as claimed in ~~one of claims~~
~~7-13, characterized in that~~ claim 7, wherein the adjustment element, in the
vicinity of the connection between the first and second parts, is provided with one
or more engagement members intended to engage on a lamp cap or a pedestal
of a lamp cap (Column 3, lines 26-30, Figs. 4 and 5).



Claim Rejections - 35 USC § 103

11. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

12. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

13. Claims 5, 6, and 8-10, are rejected under 35 U.S.C. 103(a) as being unpatentable over Basile (US 4,593,344).

a. In regards to claims 5, 6, 8 and 9, Basile teaches a fitting for a lamp which is provided with a rim or stop for supporting the lamp cap and a locking element. Basile also teaches that the fitting has an adjustment means that has one end that is moveable connected to the rim or stop.

b. Basile does not teach the part being designed in the shape of an arc or a circle.

c. In regards to claim 10, Basile teaches the second part being provided with a lug or catch for engaging a groove or recess in the outer side of a fitting (Figs. 4 and 5).

d. Basile does not teach the parts being shaped in an arc.

e. Therefore it would have been obvious to one skilled in the art at the time the invention was made to change the shape of the fitting of Basile in order to accommodate light fixtures that are pivotal from the ceiling or the pedestal on which they rest, since it has been held by the courts that a change in shape or configuration, without any criticality, is nothing more than one of numerous shapes that one of ordinary skill in the art will find obvious to provide based on the suitability for the intended final application. See *In re Dailey*, 149 USPQ 47

(CCPA 1976). It appears that the disclosed device would perform equally well shaped as disclosed by Basile.

Conclusion

14. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

US 4,449,171 teach lamp support for a pharmacy-type lamp.

US 2,332,040 teach a lighting fixture used on passenger motor coaches.

US 1,077,384 teach a fixing pivotally connected.

US 5,941,625 teach a spring clip for recessed light assembly.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Danielle Dunn whose telephone number is 571-270-3039. The examiner can normally be reached on M-F 7:30-5:00 with alternate Friday's off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patrick Assouad can be reached on 571-272-2210. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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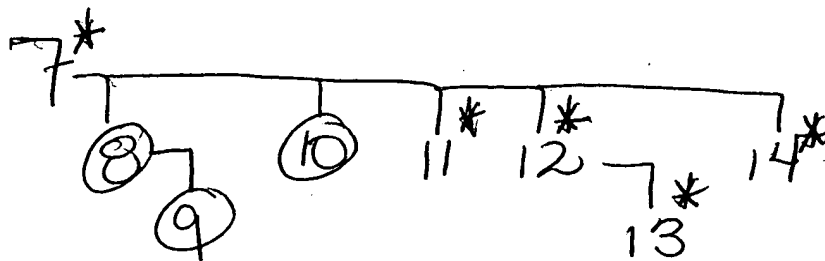
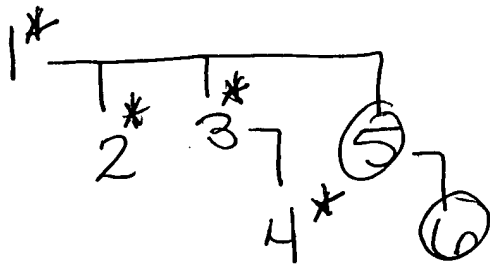
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DND
4/4/2007



PATRICK ASSOUD
SUPERVISORY PATENT EXAMINER

10/522,205



* - 102b

o - 103a

Basile
US 4,593,344